



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR No.2033 of 2024

Reserved on : 16.05.2024

Date of Decision : 20.05.2024

Gopal Gupta

....Petitioner

VERSUS

Sidh Peeth Asthan Trust

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vaibhav Sehgal, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 04.03.2024 (Annexure P-3) whereby the application filed by the tenant-petitioner for amendment of the written statement has been dismissed by the Rent Controller.

2. The brief facts relevant to the present *lis* are that in August 2013 the landlord-respondent filed an ejectment petition seeking eviction of the tenant-petitioner from the demised premises on the grounds of personal necessity and arrears of rent. On 28.01.2014 issues were framed. The evidence of the landlord-respondent was completed on 30.05.2023. While the case was fixed for evidence of the tenant-petitioner, the present amendment application was filed. The tenant-petitioner sought to amend his written statement by adding paragraph no.5 in the preliminary objections as under :

“5. The petitioner has concealed the material and true facts as well as about the properties owned & possessed by it. The petitioner has concealed the big chunk of



property owned and possessed by it adjoining Civil Lines Mandir, Dandi Swami Chowk, Ludhiana. The detail of sale deed has been concealed by the petitioner from this Hon'ble Court. Now, the petitioner has started construction in the said big chunk of land in order to convert the same into part of Civil Lines Mandir. These subsequent event occurred during the pendency of the present case and these facts have been concealed by the petitioner from this Hon'ble Court. Due to these subsequent facts clearly show that the petitioner has approached the Hon'ble Court with unclean hands and has not disclosed the details of all the properties owned and possessed by it. These subsequent events dis-entitles the petitioner to claim ejectment of the respondent from the property in question which is the only source of income of the respondent and his family members.”

The amendment application was contested by the landlord-respondent and vide the impugned order the Rent Controller dismissed the same. Hence, the present revision petition.

3. Learned counsel for the tenant-petitioner would contend that the law regarding amendment of the written statement is liberal and hence the amendment ought to have been allowed. According to counsel the proposed amendment is essential and necessary for the effective just decision of the case. No prejudice would be caused to the landlord-respondent as the proposed amendment shall not change the nature of the defence already taken in the written statement.



4. Heard learned counsel for the tenant-petitioner.

5. The Rent Controller vide the impugned order dismissed the amendment application observing that the amendment application had been filed at the stage when last opportunity had been granted to the tenant-petitioner for his evidence. It was found that even earlier the tenant-petitioner had filed an application for amendment of the written statement on 22.09.2017 and the same was allowed on 06.10.2017 wherein the proposed para no. 4(i) was added with regard to purchasing of property adjoining to the building in dispute during the pendency of the ejectment petition and now again the tenant-petitioner wanted to amend the pleadings on the ground that the landlord-respondent had started construction on the said land. It was further found that the plea with regard to concealment of material facts from the Court had already been part of the amended written statement and that the present amendment application had been filed just to linger on the matter.

6. It is trite that the law regarding amendment of written statement is liberal and there can be no quarrel with the proposition as canvassed by learned counsel for the tenant-petitioner. However, the facts of the present case are that a stand regarding concealment of fact stands already taken by the tenant-petitioner. He has already pleaded that the landlord-respondent purchased some other property. Merely because the landlord-respondent has now started raising construction on the other property is no ground to amend the written statement again. Instead of leading evidence to support the stand already taken in the written statement the tenant-petitioner filed the present amendment application. The course adopted by the tenant-petitioner does not portray as being bonafide and, as observed by the Rent Controller, an



attempt just to linger the matter. The Rent Controller by giving cogent reasons has come to the conclusion that the proposed amendment of the written statement cannot be allowed. It did not come to any conclusion that the proposed amendment was necessary for the final and effective adjudication of controversy between the parties. The Rent Controller was fully justified in dismissing the amendment application vide the impugned order. The same is upheld. There is no reason to interfere with the impugned order and to allow the amendment application filed by the tenant-petitioner.

7. In view of the above, I do not find any merit in the present revision petition which is accordingly dismissed. Pending applications, if any, also stand disposed off.

20.05.2024

jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO